

Witherspoon, Brad Wolters and Nick Messina who brought home the win in what promises to be a new and spirited long-term rivalry.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 1756 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ILLINOIS NOMINEES: MIKE MCCUSKEY AND PAT MURPHY

Mr. DURBIN. Mr. President, I seek recognition to speak to an issue which involves our Executive Calendar.

Since November of last year, there have been two names pending on this calendar of judicial appointees for my home State of Illinois. One is Patrick Murphy, of Marion, IL, to be U.S. District Court Judge for the Southern District. The other is Michael McCuskey, who is seeking the position of District Judge for the Central District of Illinois. It is unusual that these two nominees would have been on the calendar for such a long period of time, and the situation is aggravated by the fact that these vacancies are very serious, creating, in fact, what has been characterized as a judicial emergency.

The Southern District of Illinois has the second oldest judicial vacancy in the Nation. The Southern District, for which Mr. Murphy is seeking this confirmation, has been without this Federal judge for 1,952 days. In the Central District of Illinois, it has been more than 1,000 days since that judgeship has been filled. In fact, the exact number is 1,255 days.

There are four judgeships in the southern district, two vacant. Senator CAROL MOSELEY-BRAUN and I have proposed Mr. Murphy and Judge David Herndon, of Alton, to be named to fill those spots. Mr. Murphy is the only candidate who has reached the calendar to this point, but we are hopeful that Judge Herndon will as well. This 50 percent vacancy rate in one judicial district is much, much higher than the 10 percent vacancy rate which we have experienced around the Nation. In the Central District of Illinois, where I live, the numbers are exactly the same; half of the judges have not been appointed. Of course the obvious question is, What is wrong with these two nominees? Why would they sit on the calendar of the U.S. Senate for over 1,000 days? They clearly must have very serious problems. Exactly the opposite is the case.

These two gentlemen, Mr. Murphy and Judge McCuskey, were nominated by President Clinton on July 31, 1997. They were unanimously recommended by the Judiciary Committee on November 6 of the same year. They have been sitting on this calendar for 127 days with absolutely no one raising questions as to their qualifications for the job.

What happens to a person who finds himself in this predicament? I have talked to many of them. Their lives are changed. The prospect of being appointed to the Federal bench makes life difficult on a professional and personal basis.

Judge McCuskey has a family. He is trying to find a place for his family to live. Think about buying a home and not knowing when you can move into it, and then the fear that if you move too soon, you will disqualify yourself from your previous judgeship. That is what he is facing.

His family is going through a lot of turmoil this week because they had thought surely within 100 days the U.S. Senate would act on this nomination, but it has not happened.

Mr. Murphy is in the private practice of law. We have spoken from time to time. He has important cases representing people from his part of Illinois, and people are wondering: "Pat Murphy, are you going to be around? Can we count on you? Will you take this case to trial? Should we bring business to your office?"

All of these things weigh heavy on a person who has decided to make this commitment to move forward and ask to be appointed to the Federal bench.

I hope that Members of the Senate, those who will read my remarks and those who hear them, will understand that this type of thing is more than an inconvenience. It is a hardship that we should not impose on two people for whom there is no controversy.

Let's take a look at the Central District of Illinois. There are 162 cases in that district that have been pending for more than 2 years. Imagine if you were to say at some point, because of your business or family concerns or personal needs, that you had to go to court, and then you went into court with an attorney and said, "How soon will this be resolved?"

And they said, "At least 2 years."

"Two years?"

We can do better.

Fifty-five of the cases in the central district have been there for more than 3 years; 30 of the suits are related to civil rights cases, people who feel they have been discriminated against; 21 are civil rights suits; 15 are contract disputes; 9 are personal injury cases; 11 are product liability suits; and 2 are patent cases.

Let me tell you how this works, since I have practiced law in this district. When the day comes for you to go to trial after waiting 2 years, you better hope there isn't some intervening thing or event that ends up postponing it. A friend of mine took a case and, after waiting for 19 months, finally went to trial only to have a death in the family of one of the other attorneys, causing them to postpone the trial date. Then, of course, they were told they would have to wait for at least another year before the case could be tried.

When the Senate fails to do its work and confirm judges, the hardship is im-

posed on ordinary people in America and they are puzzled: "Well, why is this the case? Why does it take so long for me to get my day in court?" Is justice delayed truly justice denied? In many cases, it is. In this situation, unfortunately, the burden is on us, those men and women who sit in this Chamber and have the singular responsibility to confirm Federal judges.

The Southern District of Illinois is another sad story when it comes to the impact of the vacancies. Since 1992, case filings have increased 9 percent. People are still going to the courthouse; 58 cases there have been pending for more than 3 years; 7 have been pending for 10 years. Why is that the case? Because Judge Phil Gilbert, the active Federal judge in this district, with Judge Paul Riley, are working overtime to try to deal with a heavy criminal docket which must be dealt with first under the law and, of course, we want them to, and in trying to deal with that docket, they keep postponing the civil docket. So people wait.

In one of those 10-year-old cases in the southern district, a plaintiff sustained serious neck and back injuries that required him to pay out \$15,000 in hospital bills. He was operating a mine shuttle cart that hit a small obstruction. The cart had no shock absorbers, and he suffered a serious injury, and now he waits for his day in court.

When you take a look at the statistics that have been compiled by the administrative office of the U.S. Court System as to the median amount of time that it takes a civil case to come to trial, it tells the story even more graphically.

The Southern District of Illinois has the longest waiting period, 23 months. There are 94 districts nationwide, and the southern district has the 54th longest median time from filing to trial; the central district, 33 months. These numbers are from early last fall. More recent numbers are not going to be encouraging or much different.

We have heard from the judges in both of the districts. Phil Gilbert of the southern district has written to Members of the Senate and said they are getting the job done—and I know he is working hard with Judge Riley—but they badly need additional judges. Those are his words.

Judge Michael Mihm of the central district said that they, too, are working to keep up with the caseload, but definitely feel the pinch. They have had to delay one major civil trial. They are only getting the job done by bringing in other judges from other districts, and, of course, causing problems in those districts in the meantime.

Let me tell you about these two individuals, because I think you will come to realize why they moved through the Judiciary Committee without any controversy and why their still sitting on the calendar is a travesty of justice.

Judge McCuskey was born in Peoria, IL. He is currently a State court judge and for the last 9 years has been serving in that capacity. Before that, for 2

years he was a circuit court judge. Since 1990, he has been a justice for the third district appellate court.

Before going to law school, he worked at a local high school as a history teacher and baseball coach. During law school, he helped pay his bills by working as a security guard. After graduating, he started his own law firm. Since becoming a judge, he has earned a reputation, deservedly, from Democrats, Republicans, as well as Independents, as an outstanding—firm, fair and thorough—jurist.

He is also involved in community work. Mike McCuskey is known throughout the Peoria area for going to local grade schools and reading to children. He emcees the senior citizen activities during the annual county fair.

Then there is Pat Murphy in the Southern District of Illinois. I never met Pat Murphy before he came to the interview process that CAROL MOSELEY-BRAUN and I held. I have to tell you, he just swept us off our feet. He is such an impressive individual.

Pat Murphy was born and raised in Marion, IL, from a very humble family. He served in the Marine Corps in Vietnam. At the age of 17, he enlisted. On almost exactly his 18th birthday, he arrived in Vietnam where he served a tour of duty as an enlisted man in K Company, 3rd Battalion, 1st Marine Corps weapons platoon.

After he got out of the Marine Corps, Pat Murphy decided to go on to get his college degree and law degree with the help of the GI bill.

His parents died, and some of his brothers and sisters were still very young. Pat took on the responsibility of raising his four younger brothers and sisters. As he said to us, "We ended up raising one another."

I met Pat's brother Kevin. He is the unit manager and a guard at the Marion Federal Penitentiary.

Pat's story shows extensive legal experience. Since beginning the practice of law, Pat Murphy has tried almost 100 cases. I will tell you, it is hard to find a trial attorney who can say that. He has tried almost 100 cases before a jury; 200 before a judge. He has represented banks, municipalities, school boards, insurers and individuals. He has tried several criminal cases, representing plaintiffs and defendants. In the first year he was eligible, he was elected to the prestigious American College of Trial Attorneys. He has built more than a solid reputation in southern Illinois. He has been building a national reputation.

Isn't this the kind of person we want to serve on the Federal bench? I think it is, and so does the Judiciary Committee in unanimously approving his nomination.

One thing I have to say, though, that shouldn't be left out of Pat Murphy's biography is that he is known throughout Marion and southern Illinois for his unstinting generosity to veterans. He himself served, as I said, in the Ma-

rine Corps during Vietnam, and ever since, he has given local veterans pro bono—that is free—representation whenever they walk through the door.

I have heard it said that in southern Illinois, when there is a funeral and burial of a veteran, many times they will see this lawyer come driving up, jump out of the car and stand in reverence at the grave site for his fellow veteran.

Pat Murphy has endeared himself to so many of the people in southern Illinois and would be an excellent choice for Federal judge.

So here we sit 127 days after these two men have their names brought before the Senate for confirmation. There is no objection in the Judiciary Committee, no objection to their qualifications and talents, and yet they wait. With personal hardship, they are waiting patiently for the opportunity to serve the United States of America as Federal district court judges.

They have accepted that responsibility pending our confirmation. Shouldn't the Senate accept its responsibility? Shouldn't we vote out today, or at the latest the first day we can next week, these two men so that they can serve their country as Federal district court judges, so that they can, in some way, address the backlog of cases in the southern and central districts and give people who have been waiting patiently for their day in court an opportunity for a trial?

I hope we respond to this. I say to my colleagues in the U.S. Senate, I am going to continue to raise this issue. I think it is unfair what we are doing to these two individuals. I hope the Senate can move very, very quickly to rectify this injustice.

I yield back the remainder of my time.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I rise to address a problem of significant magnitude. I ask unanimous consent to speak for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINA'S PROLIFERATION ACTIVITY

Mr. ASHCROFT. Mr. President, I rise today to address a rather disturbing article that appeared not only in the Washington Times but also in the Washington Post, a similar article. The headline in the Times says: "China in New Nuclear Sales Effort." The headline in the Post: "U.S. Action Stymied China Sale to Iran."

These articles represent a concern of mine, because they detail China's continuing nuclear proliferation, not just nuclear proliferation, but proliferation to the nation of Iran.

According to these articles, U.S. intelligence discovered secret China-Iran negotiations concerning Chinese transfer of hundreds of tons of anhydrous

hydrogen fluoride. Anhydrous hydrogen fluoride is a material used in enriching uranium to weapons grade uranium.

This transfer was scheduled to go to Iran's Isfahan Nuclear Research Center. The Isfahan Center is the principal site of Iran's efforts to manufacture the explosive core of an atomic device, according to the articles.

So what we have here, both in the Washington Post and in the Washington Times, is the chronicling of China's effort to send these kinds of components and processes to Iran in order for Iran, a rogue nation, to enhance its capacity to be involved with atomic weapons of mass destruction.

This revelation of new Chinese efforts to aid Iran's nuclear weapons program is deeply troubling, and it follows solemn commitments from Chinese leaders just last October that China would cut off nuclear assistance to Iran.

What is more troubling to me, however, is the fact that the Clinton administration has overlooked more than a decade of similar promises that have been broken just as quickly and routinely as last October's promise has now been revealed to have been broken on the face of the front pages of this city's newspapers.

This continued course by this administration to simply take at face value assurances consistent with other assurances and, unfortunately, consistent with the disregard for those assurances in terms of policy, causes us to question whether or not we should have been racing into these agreements, and particularly according to China the special standing which we have provided to China based on the events of last October.

It is pretty clear to me that, in spite of the fact that China assured us last October that they were going to be adopting a different posture in regard to nuclear proliferation, their policy and their practice was not altered. Their policy and practice of providing this kind of proliferation to rogue nations remains in place.

It is, unfortunately, not new that the Chinese have broken agreements. I will submit for the RECORD a list of events and times in which the Chinese have said one thing and done another in regard to nuclear proliferation—starting in 1981, 1983, 1984, 1985, 1986, 1987, 1989, 1990, 1991, another incident in 1991, 1994, 1995, 1996, and 1997.

Now, this list, which has been assembled by the Nuclear Control Institute, merely chronicles the habit, the practice, and the policy of China in saying one thing and doing another.

A number of us were stunned last year when the administration said it wanted to elevate the standing of China as it related to nuclear technology. We were stunned because we were aware of this list. We were stunned, thinking that if in the summer of 1997 our own CIA labels China as the world's worst proliferator of weapons of mass destruction, why would we